

Remarks/Arguments

In the Office Action Mailed October 19, 2005, the Examiner rejected claims 18-24 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,040,361 to Briesemeister. The Examiner stated that the "Prior art discloses: cl. 18: roll body front & rear ends, wherein the front diameter (at ref 76, fig 4) is greater than the rear (at ref 52); roll drivers with inner & outer edges at the front the diameter is less (see the very front at ref 77 toward 79 in fig 3) than the rear (see figure 4, at ref 32); cl. 19-22, 24: two parallel stalk rolls having the above feature (see fig 8); cl. 23, 24: a gap is approximately constant width (see fig 9)."

The Applicant respectfully disagrees for several reasons.

First, reference 76, fig 4, is the nose cone (col. 8, ll. 14-17) and reference 52 is the combine drive shaft (col. 7, ll. 42-26) neither of which are part of a roll body as disclosed and claimed or as understood by one of ordinary skill in the art. Furthermore, since reference element 52, the combine drive shaft (col. 7, ll. 42-26) is shown inside of reference element 82, the inner wall of the cylinder wall 78 as well as inside reference element 80 which is the outside wall of the cylindrical wall 78 (col. 7, ll. 13-16) there is no possible way that the diameter of element 52 could be considered the roll body rear diameter. Finally, even if one were to consider reference elements 76 and 52 as part of a roll body, which they are not, it is quite clear from figure 4 that reference 76 at the front has a SMALLER diameter than reference 52 at the rear, not, as the Examiner claims, a greater diameter. Independent claims 18, 19 and 24 all require that the roll body front diameter is greater than the roll body rear diameter. Since this limitation is nowhere disclosed or suggested in the prior art of record Applicant respectfully requests allowance of claims 18, 19 and 24.

Second, reference 77, figure 3, (also shown on figure 4) is a pair of double helixes on the nose cone 76 (col. 8, ll. 37-40) which is not part of the roll drivers. Additionally, as discussed above, the nose cone 76 is not part of the roll body. However, even if one were to consider the double helixes 77 as part of the roll drivers, which they are not, and the nose cone 76 as part of the roll body, which it is not, it is clear from figures 3, 4, 8 and 9 that the gap defined by the double helix 77 and the adjacent nose cone 76 is NOT of approximately constant width. In other words, since as is clearly shown in figures 3 and 4 the nose cone 76 diameter

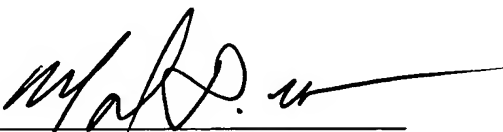
increases from front to rear and the double helixes 77 taper to a point at the front end and increase in size toward the rear end where it meets with the rail 32, if the stalk rolls are parallel to each other, there is no possible way to maintain a gap of approximately constant width from the front end of the nose cone 76 to the rail 32.

Since independent claims 18, 19 and 24 all contain elements not disclosed or suggested in the prior art of record the Applicant respectfully requests allowance of claims 18, 19 and 24. Additionally, since claims 20-23 all depend on an allowable base claim the applicant respectfully requests allowance claims 20-23.

In conclusion, the Applicant believes that the application in condition for allowance, and such allowance is respectfully requested.

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Respectfully,



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